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EXPEDITED PROCEDURE

CERTIFICATE OF TRANSMISSION

I hereby certify that on the date shown below I will send communication via the Office electronic filing system, and attachments if any, to Group 4100 of the U.S. Patent and Trademark Office.

Date: October 4, 2008



Eric Schneider

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant: Eric Schneider

Examiner: Linda Perry

Serial No: 10/604,598

Art Unit: 4182

Filing Date: August 1, 2003

Title: ACCRUAL SYSTEM, METHOD, PRODUCT, AND APPARATUS

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

AMENDMENT B

DO NOT ENTER /L.P./

Dear Sir:

In response to the Office Action mailed August 5, 2008, please amend the above application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims beginning on page 4 of this paper.

Remarks begin on page 8 of this paper.

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Amendments to the Specification:

Please amend Paragraph 38 to read:

--As defined in Webster's Dictionary, an "interest" is ~~a~~ "money paid for the use of money".

However, the term "interest" or more specifically "account interest" can be defined with respect to the present invention to be inclusive of the following; ~~"money paid for the use of an amount that is not legal tender", "an amount that is not legal tender paid for the use of money", and "an amount that is not legal tender paid for the use of an amount that is not legal tender"~~. The context of the term "use" is applicable to ~~money or~~ an amount that is not legal tender that has been either saved or spent, deposited or withdrawn, etc.--

Please amend Paragraph 43 to read:

--Fig. 1b is an illustration of a notice that can be distributed via any communication medium for the purpose of educating customers and prospects alike of the non-monetary accrual method in accordance with the present invention. A notice 620 can be provided by many different service providers which manage many different non-monetary amount types. Such a notice 620 similar to the present illustration in particular, can be sent via e-mail, postcard, postal mail, telephone, IM, or included with a billing statement and the like by a phone provider to a phone customer or prospect. In the case of an electronic transmission of such a notice such as via e-mail, banner ad, advertising pop-up window, and the like, a hyperlink 625 can be included for the phone customer or prospect to access a network resource for learning more about how interest in the form of phone minutes can be earned on ~~an~~ an account or how to sign up with such an offering/service.--

Please amend Paragraph 48 to read:

-- Fig. 1g is an illustration of a rewards account statement in accordance with the present invention. A ~~an~~ rewards account statement 670 can be sent via e-mail, postcard, postal mail, telephone, IM, and the like by a rewards account provider to a rewards customer. Portions of such an account statement 670 can include an account number, billing date, due date, current charges, amount due, rewards usage (e.g., unused rewards, average unused rewards during billing period, and rewards used during billing period), interest earned 675, total unused rewards, and the like.--

Please amend Paragraph 64 to read:

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-- Fig. 2c is an illustration of an exemplary table having data elements of the amount type converter 160 in accordance with the present invention. The amount type converter 160 can include data elements 164 having a variety of different values, ratios, factors, weights, and exchange rates with respect to different amount type data elements 162. Such data values can be updated in real time responsive to ~~recording~~ changes in market conditions (not shown) such as the prime interest rate, stock prices, futures, commodities, oil prices, gas prices, utility prices, etc.--

Please amend Paragraph 66 to read:

-- Fig. 2e is an illustration of ~~an~~ a client account database 158 having data elements representative of many non-monetary account types in accordance with the present invention. Such account types can include reward account 180, membership account 181, prepaid account 182, checking account 183, savings account 184, investment account 185, retirement account 186, credit account 187, and debit account 188.--

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Amendments to the Claims:

Claims 1 - 4 (canceled).

Claim 5 (currently amended): A computer program product comprising computer readable program code stored on a computer readable medium, the program code adapted to one of a generate, store, access, create, update, append, report, print, overwrite, send, forward, and distribute an account statement having a date and an account balance corresponding to said date wherein at least a portion of said account balance includes an account interest, said account interest corresponding to a billing period and ~~one of an~~ said account balance is a non-monetary amount and said account interest is a non-monetary amount. ~~is representative of an amount that is not legal tender.~~

Claim 6 (currently amended): In a device having access to one of a memory and storage with a program stored therein, said program adapted to generate an amount, a method comprising:

~~receiving at a first time,~~ a plurality of data elements having a first data element including a first amount corresponding to a ~~and a second data element including a first time; wherein said first data element corresponds to said second data element;~~

determining a second time wherein said second ~~first~~ time is later in time than said ~~second~~ first time; and,

~~generating~~ calculating a second amount from said first amount, ~~said first time,~~ and a difference between said second time and said first time, wherein said ~~one of a~~ first amount is a non-monetary amount and said second amount is a non-monetary amount. ~~is representative of an amount that is not legal tender.~~

Claim 7 (currently amended): The method, as set forth in claim 6, wherein said receiving said plurality of data elements ~~first amount corresponding to said first time~~ includes receiving said plurality of data elements ~~first amount corresponding to said second time~~ from one of a first data record, computer readable medium, machine readable code, network resource redirection, and input.

Claim 8 (currently amended): The method, as set forth in claim 7, further including updating said first data record by replacing said first amount with said second amount and said ~~second~~ first time with said second ~~first~~ time.

Claim 9 (currently amended): The method, as set forth in claim 7, further including appending said

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second amount and said second ~~first~~ time to said first data record.

Claim 10 (currently amended): The method, as set forth in claim 7, further including generating from said first data record, a second data record having said second amount and said second ~~first~~ time.

Claim 11 (previously presented): The method, as set forth in claim 10, wherein one of a first data record, second data record, input, computer readable medium, and machine readable code corresponds to an account.

Claim 12 (previously presented): The method, as set forth in claim 11, wherein said account is one of the group consisting of a membership account, reward account, prepaid account, checking account, savings account, investment account, retirement account, credit account, and debit account.

Claim 13 (previously presented): The method, as set forth in claim 11, wherein said account is issued from one of a bank and account provider.

Claim 14 (previously presented): The method, as set forth in claim 13, wherein said account provider is one of a card provider, subscription provider, service provider, utility provider, and phone provider.

Claim 15 (previously presented): The method, as set forth in claim 7, wherein said receiving said one of a first amount, first time, and second time from input includes inputting said one of a first amount, first time, and second time from a user interface element.

Claim 16 (previously presented): The method, as set forth in claim 15, wherein said inputting said one of a first amount, first time, and second time from a user interface element further includes inputting said one of a first amount, first time, and second time into one of a browser location field, text box, command line, speech to text interface, optical recognition interface, and magnetic recognition interface.

Claim 17 (currently amended): The method, as set forth in claim 6, wherein said first amount is a principal and said ~~generating~~ calculating said second amount includes adding an interest to said principal.

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Claim 18 (previously presented): The method, as set forth in claim 17, further including calculating said interest.

Claim 19 (previously presented): The method, as set forth in claim 18, wherein said calculating said interest includes calculating said interest from one of an interest rate and interest type.

Claim 20 (previously presented): The method, as set forth in claim 19, wherein said interest rate is one of the group consisting of a fixed rate and variable rate and said interest type is one of the group consisting of a simple interest, compound interest, and continuous interest.

Claim 21 (previously presented): The method, as set forth in claim 6, wherein the amount of time between said first time and said second time corresponds to one of a billing period and interest period.

Claim 22 (previously presented): The method, as set forth in claim 6, wherein said first amount is of a first amount type and said second amount is of a second amount type.

Claim 23 (currently amended): The method, as set forth in claim 22, wherein said ~~generating~~ calculating said second amount includes consulting an amount type conversion table for converting said first amount type to said second amount type.

Claim 24 (previously presented): The method, as set forth in claim 6, wherein one of a first amount and second amount is one of an amount of product, amount of service, amount of reward, amount of points, amount of time, amount of space, amount of distance, amount of light, amount of mass, amount of volume, amount of storage, amount of bandwidth, and amount of energy.

Claim 25 (currently amended): An apparatus comprising:

a processor;

one of a memory and storage in operative association with said processor;

means for receiving ~~at a first time, a plurality of data elements having a first data element~~ including a first amount corresponding to a and a second data element including a first time; wherein said first data element corresponds to said second data element;

means for determining a second time wherein said second ~~first~~ time is later in time than said ~~second~~ first time; and,

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means for ~~generating~~ calculating a second amount from said first amount, ~~said first time~~, and a difference between said second time and said first time, wherein ~~said one of a first amount is a non-monetary amount~~ and said second amount is a non-monetary amount. ~~is representative of an amount that is not legal tender.~~

Claim 26 (currently amended): A computer program product comprising computer readable program code stored on a computer readable medium, the program code adapted to execute the method for receiving ~~at a first time~~, a plurality of data elements having a first data element including a first amount corresponding to a and a second data element including a first time; wherein said first data element corresponds to said second data element, determining a second time wherein said second first time is later in time than said second first time, and ~~generating~~ calculating a second amount from said first amount, ~~said first time~~, and a difference between said second time and said first time, wherein ~~said one of a first amount is a non-monetary amount~~ and said second amount is a non-monetary amount. ~~is representative of an amount that is not legal tender.~~

Claim 27 (new): The method, as set forth in claim 6, wherein said calculating said second amount includes automatically calculating said second amount upon said determining said second time.

Claim 28 (new): The method, as set forth in claim 6, wherein said first amount is representative of at least one of total non-monetary amount balance, non-monetary amount used, and non-monetary amount saved.

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Remarks:**I. Request For Constructive Assistance**

If, for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP §707.07(j) in order that this application can be placed in allowable condition as soon as possible and without need for further proceedings.

II. Priority

Examiner asserts priority may be in question because provisional “treats the amounts as being both non-monetary amounts”. Applicant has now amended specification (see para 38) and independent claims to address this and submits that the application properly claims benefit under 35 USC 119(e) to the provisional application.

III. Objections and Suggestions

Applicant has amended all informalities cited by Examiner and discovered by Applicant.

Examiner has provided several suggestions throughout office action including better clarifying the order of events with respect to the elements of first time and second time and a more specific relationship to each other and to the relationship of other elements. Applicant has now amended to indicate a “first time” to be an earlier time than a “second time”. Further Applicant remarks are written from this amended point of view.

In one suggestion Examiner interprets that “second amount is calculated after both second and first times”, whereas Applicant teaching is not limited to calculating the second amount only after both times. For example, Applicant has made amendments to more clearly show that a “first time” and “first amount” are retrieved data elements associated to each other whereas the “second time” can be the time the calculation of the “second amount” is made.

IV. Rejection of Claims 6-26 Under U.S.C. §112

Examiner asserts repeatable results cannot be reproduced due to interpreting claim elements to read, “first time is when first amount is received”. Claims 6, 25, and 26 have been amended to clarify that the “second time” is a specific determination regardless of method. For instance, in one configuration “second time” could be determined to be a time of requesting data elements and in another configuration “second time” could be determined to be a time of receiving requested data elements.

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Regardless of what value is determined, the step of calculation of the “second amount” will always produce the same result whenever presented with the same inputs. The method of claim 6 is enabled.

V. Rejection of Claims 6-8 and 15-24 Under 35 U.S.C. §102 as being anticipated by Iannacci

Claims 6-8 and 15-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Iannacci (U.S. Patent Application Pub No. 2002/0062249). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Iannacci is limited to teaching an incentive award and value exchange program where all non-monetary rewards are calculated from **cash amounts** only. No where does Iannacci teach calculating a non-monetary reward based upon a non-monetary balance whereas Applicant does teach accrual of non-monetary account interest related to an account holder’s **non-monetary balance**.

Referring to Applicant third step of Claim 6, Iannacci is limited to teaching calculating a non-monetary reward as simply a ratio of a monetary purchase irrespective of when the purchase was made or when the award was calculated whereas Applicant teaches how a difference in time is a function of the step of non-monetary calculation. Because Iannacci does not teach a step of independent claim 6, it cannot teach the additional steps of dependant claims 7, 8, and 15 - 24.

VI. Rejection of Claims 25 and 26 Under U.S.C. §102 - Wolfberg

Claims 25 and 26 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Wolfberg (U.S. Patent No. 5,745,706). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Examiner references Wolberg (col 10 lns 22-32) which teaches methods similar to Iannacci of crediting an account with non-monetary rewards related to account holder **monetary** balance or monetary purchases. Further Wolberg (see col 5, lns 20-24 and col 7 lns 25-38) teaching of interest is limited to monetary accounts and monetary interest. This is one reason why Wolfberg fails to teach the recited element of independent claims 6, 25, and 26, “wherein said first amount is a non-monetary amount and said second amount is a non-monetary amount.”

VII. Rejection of Claims 5, 25, and 26 Under U.S.C. §103 - Wolfberg in view of Iannacci

Claims 5, 25, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfberg (U.S. Patent No. 5,745,706) and further in view of Iannacci. Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

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Wolfberg and Iannacci both fail to teach accrual of non-monetary account interest from an account holder's **non-monetary balance** and both fail to show the recited element of independent claim 5, "account balance is a non-monetary amount and said account interest is a non-monetary amount" and independent claims 6, 25, and 26, "wherein said first amount is a non-monetary amount and said second amount is a non-monetary amount." This provides no reason for the skilled artisan to combine the teachings of Wolfberg and Iannacci.

VIII. Rejection of Claims 9-14 Under U.S.C. §103 - Wolfberg in view of Iannacci and in further view of Riley

Applicant respectfully requests reconsideration of this rejection for at least the following reasons. Examiner's 103 argument fails because Wolfberg, Iannacci, and Riley, separate or together in any combination, fail teach or suggest the third step of independent Claim 6, which Claims 9-14 depend on.

IX. Conclusion

For all of the above reasons, the present application and pending claims 5-28, as amended, are believed to be in condition for allowance. Applicant respectfully requests the Examiner withdraw all objections and rejections, and issue a formal Notice of Allowance directed to claims 5-28, inclusive.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact the Applicant at the telephone number listed below.

Respectfully submitted,



October 4, 2008

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